

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

**JASON COOKSEY, HEIDI COOKSEY AND
SARAH COOKSEY, SYDNEY COOKSEY AND
SADIE COOKSEY, MINORS, BY AND
THROUGH THEIR NATURAL GUARDIANS,
JASON AND HEIDI COOKSEY**

PLAINTIFFS

V.

CAUSE NO. 1:18-cv49-LG-RHW

**HUNT SOUTHERN GROUP, LLC FKA
FOREST CITY SOUTHERN GROUP, LLC,
FOREST CITY RESIDENTIAL MANAGEMENT, LLC,
HUNT MH PROPERTY MANAGEMENT LLC,
UNKNOWN JOHN AND JANE DOES A THROUGH M, AND
OTHER UNKNOWN CORPORATE ENTITIES N THROUGH Z**

DEFENDANTS

**PLAINTIFFS' MOTION FOR PARTIAL SUMMARY
JUDGMENT – FEDERAL PUNITIVE DAMAGES
CLAIMS NOT SUBJECT TO STATE LAW CAP**

COME NOW Plaintiffs, by and through their counsel of record, Rushing & Guice, P.L.L.C., and file this Motion for Partial Summary Judgment – Federal Punitive Damages Claims Not Subject to State Law Cap, and would show this honorable Court as follows.

1. Punitive damages are recoverable under a federal action for violation of the SCRA.
2. Mississippi state law imposes a cap on state law punitive damage awards.
3. The Mississippi state law cap on punitive damages does not apply to federal punitive damage awards. *Williams v. Riley* (5th Cir., 2013).

WHEREFORE, PREMISES CONSIDERED, Plaintiffs request this Court grant

Plaintiffs' Motion for Partial Summary Judgment and find that the Mississippi state punitive damages statute does not apply to a punitive damages award under the SCRA.

Respectfully submitted this the 10th day of May, 2019.

RUSHING & GUICE, P.L.L.C.
Attorneys for Plaintiffs

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CERTIFICATE OF SERVICE

I hereby certify that on the 10th day of May, 2019, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF filing system which sent notification of such filing to all counsel of record.

SO CERTIFIED this the 10th day of May, 2019.

/s/ Maria Martinez
MARIA MARTINEZ